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*Attorneys for Defendant Raymond*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

FRANCINE ELTON and CHERIE  
BONE, As Personal Representatives  
of ESTATE OF COREY ELTON,

Plaintiffs,

-vs.-

TRAVIS RAYMOND, DOES 1-3,

Defendant.

Cause No. CV-\_\_\_\_\_

The Hon. \_\_\_\_\_

**DEFENDANT TRAVIS  
RAYMOND'S NOTICE OF  
REMOVAL**

Defendant Travis Raymond alleges as follows:

1. The above-entitled action was filed in the Montana Eleventh Judicial District, Flathead County, on February 4, 2022, and is now pending in said Montana District Court.

2. Counsel for Defendant Travis Raymond acknowledged service of the Summons and Complaint on March 21, 2022.

3. Upon information and belief, and per the allegations contained in the Plaintiff's Complaint, at the time of commencement of this action, the Plaintiff was and is now a resident and citizen of Flathead County, Montana.

4. At the time of commencement of this action, the Defendant, Travis Raymond, was and is now a resident and citizen of California.

5. This is an action over which this Court has original jurisdiction under 28 U.S.C. § 1332(a)(1), and thus this action is removable to this Court under 28 U.S.C. § 1441(a) and (b).

6. The amount in controversy claimed by Plaintiff in this action, exclusive of interest and costs, on the basis of the Complaint, exceeds Seventy-Five Thousand Dollars (\$75,000.00). On the basis of Count IV of the Complaint filed by Plaintiff, wherein punitive damages are sought, the amount in controversy claimed by Plaintiff in this action, exclusive of interest and costs, exceeds Seventy-Five Thousand Dollars (\$75,000.00). *See Bell v. Preferred Life Assur. Soc'y*, 320 U.S. 238, 240, 64 S. Ct. 5 (1943) (finding that a punitive damage demand may be considered as part of the amount in controversy in civil action).

7. A copy of the Complaint filed in said Montana District Court action is attached hereto and marked as **Exhibit A**. A copy of the Answer filed by Defendant is attached hereto and marked as **Exhibit B**. Copies of all other

pleadings which have been filed in the state court file will be forwarded by the Clerk of the said court.

DATED this 14th day of April, 2022.

/s/ Erin M. Erickson  
Erin M. Erickson  
BOHYER, ERICKSON,  
BEAUDETTE & TRANEL, P.C.  
*Attorneys for Defendant Raymond*

### CERTIFICATE OF SERVICE

I, the undersigned, a representative of the law firm of Bohyer, Erickson, Beaudette & Tranel, P.C., hereby certify that I served a true and complete copy of the foregoing on the following persons by the following means:

<u>1,2</u>	CM/ECF
<u>      </u>	Hand Delivery
<u>      </u>	Mail
<u>      </u>	Overnight Delivery Service
<u>      </u>	Fax
<u>  3  </u>	E-Pass

1. Clerk, U.S. District Court
2. Sean D. Hinchey  
Hinchey & Hinchey, P.C.  
705 Main Street  
Kalispell, MT 59901  
**Attorneys for Plaintiffs**
3. Clerk of the District Court  
Flathead County Courthouse

DATED this 14th day of April, 2022.

/s/ Erin M. Erickson  
Erin M. Erickson  
BOHYER, ERICKSON,  
BEAUDETTE & TRANEL, P.C.  
*Attorneys for Defendant Raymond*